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EXAMINER	
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ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/575,533	YAMASAKI ET AL.	
	Examiner	Art Unit	
	Munjal Patel	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Art Unit- Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-3, 6-14, 16, and 17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Kondo (US PAT 5,293,380)** here in after referenced as **Kondo**.

2. **Regarding claim 1, Kondo** discloses Inter-station transmission method **(Kondo: Abstract)** used in mobile communication system, comprising a mobile station **(Kondo: Fig 1: 5)** and a base station **(Kondo: fig 1: 3)** operable to return, to the mobile station by means of TDMA system **(Kondo: Abstract)** a response packet, the response packet being returned by the base station in response to a packet received from the mobile station **(Kondo: column 3 lines [67-68], column 4 lines [1-3])**, and the response packet being returned within a same time slot used for receiving the response packet

wherein the base station includes: a radio base station **(Kondo: fig 1: 3)** operable to demodulate an uplink packet signal **(Kondo: Fig 1: 3 & 7, along with ability to handle TDMA frames describes functional blocks that operable to demodulate an uplink packet)** received from the mobile station **(Kondo: Fig 1:5)** and extract uplink transmission data **(Kondo: Fig 1: 3 & 7, along with ability to handle TDMA frames as stated in summary describes functional blocks that extracts an uplink packet)**, and operable to modulate downlink transmission data to be transmitted to the mobile station and generate a downlink packet signal **(Kondo: Column 3 lines [1-8] describes base station communicating with mobile station, which implies modulating downlink transmission data and generate downlink packet signal)** ;

a communication control station operable to receive the uplink transmission data from the radio base station **(Kondo: Column 2 lines [60-70] describes base station communicating with control station, which implies communication control station operable to receive the uplink transmission data from radio base station)**, generate downlink transmission data corresponding to the uplink transmission data received from the radio base station and transmit the generated downlink transmission data to the radio base station **(Kondo: Column 2 lines [60-70] describes base station communicating with control station, which implies generating downlink transmission data corresponding to the uplink transmission data received from the radio base station and transmit the generated downlink transmission data to the radio base station)**;

And an inter-station transmission path that establishes a wired connection between the radio base station and the communication control station **(Kondo: Fig 1: Communication cables 4-a & 4-b, column 2 lines [66-68])**, and wherein the inter-station transmission method includes: transmitting the uplink transmission data, from the radio base station to the communication control station **(Kondo: Fig 1 & column 3 lines [1-8])**,the uplink transmission data being transmitted in a TDMA frame format **(Kondo: Column 2 lines [35-40])** used for a radio link between the radio base station **(Kondo: Fig 1 : 3a & 3b , column 2 lines [66-68])** and the mobile station **(Kondo: Fig 1: Mobile station 5, column 3 lines[4])**, and in the communication control station **(Kondo: Fig 1: control station 1, column 3 lines [2-3]),** processing the uplink transmission data received from the radio base station in the TDMA frame format **(Kondo: Column 2 lines [35-40]).**

3. **Regarding claim 2, Kondo** discloses everything in claim 1, along with the downlink transmission data is transmitted, from the communication control station to the radio base station **(Kondo: Column 4 lines [23-41] describes procedure of communication control station communicating with base station in TDMA format)** , in the TDMA frame format, and in the radio base station, the downlink is transmission data received from the communication control station is processed in the TDMA frame format **(Kondo: Column 2 lines [35-40])**.

4. **Regarding claim 3, Kondo** discloses everything in claim 2 along with downlink transmission data is transmitted, from the communication control station **(Kondo: Column 4 lines [23-41] describes procedure of communication control station communicating with base station),** in accordance with a predetermined communication control station transmission clock **(Kondo: Column 4 lines [41-44])**, and wherein the inter-station transmission method further comprises: in the radio base station, reproducing a radio base station reception clock synchronized **(Kondo: Column 5 lines [27-48] discloses transmission pulse from sync signal generator is adjusted according to the radio base station, i.e. reproducing a radio base station reception clock synchronized)**, with the predetermined communication control station transmission clock **(Kondo: Column 4 lines [55-68] discloses transmission pulse is set according to the user's choice i.e. predetermined)** from the downlink transmission data received from the communication control station and in the radio base station processing the downlink transmission data by using the radio base station reception clock **(Kondo: Column 5 lines [36-45]).**

5. **Regarding claim 6, Kondo** discloses everything in claim 1 as above, along with when a response signal is transmitted from the communication control station, only a payload portion of the response packet is transmitted to the radio base station **(Kondo: Fig 6 & 8 describes a control station and base station communication which functions as modulating and demodulating TDMA packets, demodulating is striping header and sending payload to further**

circuitry and eventually to base station), and wherein the radio base station, transmission of the response packet begins with a predetermined timing using header information previously retained, without waiting for an arrival of the payload portion from the communication control station **(Kondo: Column 5 lines [60-65] describes circuitry which transform signal codes to transmission format from the previously retained information beforehand)**.

6. **Regarding claim 7, Kondo** discloses everything in claim 3 as above, along with a plurality of radio base stations are respectively connected to the communication control station respectively via the plurality of respective inter-station transmission paths **(Kondo: Column 2 lines [64-70] column 3 lines [1-8] & Column 3 lines [42-49])** , and wherein each radio base station of the plurality of radio base stations adjusts, using a respective clock unit of a respective radio base station operation clock **(Kondo: Column 3 lines [49-52])**, a delay time difference, which occurs according to a length of the respective inter-station transmission path, between a downlink transmission path delay and a predetermined transmission path delay.

7. **Regarding claim 8, Kondo** discloses everything in claim 1 as above along with the plurality of radio base stations are respectively connected to the communication control station via a plurality of respective inter-station transmission paths **(Kondo: Column 2 lines [64-70] column 3 lines [1-8] & Column 3 lines [42-49])**, wherein, in the communication control station, a

plurality of pieces of uplink transmission data, which are respectively outputted from each radio base station of the plurality of radio base stations and which correspond to a same packet received from the mobile station, are received in a predetermined slot **(Kondo: Fig 7 & Column 6 lines [42-49])**, wherein, in the communication control station, a reception timing of uplink transmission data is detected **(Kondo: Fig 7 & Column 6 lines [48-52])**, the uplink transmission data corresponding to a packet having been first received, and wherein, in the communication control station, a selection process is performed only on uplink transmission data that has been received before a predetermined period of time has passed after the reception timing **(Kondo: Column 7 lines [55-65] describes a selection process of uplink transmission data based on the set period of time delay).**

8. **Regarding claim 9, Kondo** discloses everything in claim 8 as above along with the predetermined period of time is set according to a length of an area covered by the plurality of radio base stations **(Kondo: Column 1 lines [65-70] Column 2 lines [1-6] & Column 4 lines [6-12])**.

9. **Regarding claim 10, Kondo** discloses everything in claim 8 as above along with the predetermined period of time is set according to a length of a longest inter-station transmission path among the plurality of inter-station transmission paths **(Kondo: Column 1 lines [65-70] Column 2 lines [1-6] & Column 4 lines [6-12])**.

10. Regarding claim 11, Kondo discloses everything in claim 3 as above along with where in the communication control station, the downlink transmission data, into which dummy data for reproducing the radio base station reception clock is inserted, is transmitted in a period which is within the TDMA frame and in which a channel data packet to be transmitted is not present **(Kondo: Column 6 lines [10-14]).**

11. **Regarding claim 12, Kondo** discloses a radio base station monitoring method used in a mobile communication system, comprising a mobile station **(Kondo: Fig 1:5)** and a base station operable to return to the mobile station by means of a TDMA system **(Kondo: Abstract)** a response packet, the response packet being returned by the base station in response to a packet received from the mobile station, and the response packet being returned within a same time slot used for receiving the response packet, wherein the base station includes: a radio base station **(Kondo: Fig 1:3)** operable to demodulate an uplink packet signal **(Kondo: Fig 1:3 &7, along with ability to handle TDMA frames describes functional blocks that operable to demodulate an uplink packet)** received from the mobile station **(Kondo: Fig 1:5)** and extract uplink transmission data **(Kondo: Fig 1:3 &7, along with ability to handle TDMA frames as stated in summary describes functional blocks that extract and uplink packet)** and operable to modulate downlink transmission data to be transmitted to the mobile station and generate a downlink packet signal **(Kondo: Column 3 lines [1-8] describes base station communicating with mobile**

station, which implies modulating downlink transmission data and generate downlink signal); a communication control station operable to receive the uplink transmission data from the radio base station **(Kondo: Column 2 lines [60-70] describes base station communicating with control station, which implies communication control station operable to receive the uplink transmission data from radio base station)**, generate downlink transmission data corresponding to the uplink transmission data received from the radio base station and transmit the generated downlink transmission data to the radio base station **(Kondo: Column 2 lines [60-70] describes base station communicating with control station, which implies communication control station generating and transmitting downlink data to radio base station corresponding to uplink data received from base station);** and an inter-station transmission path that establishes a wired connection between the radio base station and the communication control station **(Kondo: Fig 1: Communication cables 4-a & 4-b, Column 2 lines [66-68])** wherein the radio base station monitoring method includes: in the radio base station, generating monitoring data for notifying a state of the radio base station to the communication control station; in the radio base station, time division multiplexing the monitoring data into the uplink transmission data with a slot timing that is only allocated to a downlink, in the radio base station, transmitting the uplink transmission data and the monitoring data **(Kondo: Fig 8 & Column 7 lines [3-5] describes CPU circuit for supervising the entire base station)** , to the communication control station, in a TDMA frame format used **(Kondo:**

Column 3 lines [49-52]) for a radio link between the radio base station and the mobile station, and in the communication control station, processing the uplink transmission data, received from the radio base station, in the TDMA frame format **(Kondo: Column 7 lines [13-23] & column 2 line [60-70], column 3 lines [1-8] discloses TDMA mobile communication system)** , and in the communication control station, monitoring the state of the radio base station using the monitoring data.

12. **Regarding claim 13, Kondo** discloses a mobile communication system comprising a mobile station **(Kondo: Fig 1:5)** and a base station operable to return to the mobile station by means of a TDMA system **(Kondo: Column 7 lines [13-23] & column 2 line [60-70], column 3 lines [1-8] discloses TDMA mobile communication system)**, a response packet **(Kondo: Column 6 lines [07-28 discloses a response from base station in response to a packet received from mobile station]**, the response packet being returned by the base station in response to a packet received from the mobile station, and the response packet being returned within a same time slot used for receiving the response packet **(Kondo: column 2 lines [15-18])**, wherein the base station includes:

a radio base station **(Kondo: Fig 1:3)** operable to demodulate an uplink packet signal **(Kondo: Fig 1:3 & 7, along with ability to handle TDMA frames describes functional blocks that is operable to demodulate an uplink packet)** received from the mobile station **(Kondo: Fig 1:5)** and extract uplink

transmission data **(Kondo: Fig 1:3 & 7, along with ability to handle TDMA frames as stated in summary describes functional blocks that extracts an uplink data),** and operable to modulate downlink transmission data to be transmitted to the mobile station and generate a downlink packet signal **(Kondo: Column 3 lines [1-8] describes base station communicating with mobile station, which implies modulating downlink transmission data and generate downlink packet signal)**;

a communication control station operable to receive the uplink transmission data from the radio base station **(Kondo: Column 2 lines [60-70] describes base station communicating with control station, which implies communication control station operable to receive the uplink transmission data from base station)**, generate downlink transmission data corresponding to the uplink transmission data received from the radio base station and transmit the generated downlink transmission data to the radio base station **(Kondo: Column 2 lines [60-70] describes base station communicating with control station, which implies generating downlink transmission data corresponding to the uplink transmission data received from the radio base station and transmit the generated downlink transmission data to the radio base station)**;

and an inter-station transmission path that establishes a wired connection between the radio base station and the communication control station **(Kondo: Fig 1: Communication cables 4-a & 4-b, column 2 lines [66-68])**, wherein the radio base station transmits, to the communication control station **(Kondo: Fig 1**

& column 3 lines [1-8]), the uplink transmission data in a TDMA frame format **(Kondo: Column 2 lines[35-40])** used for a radio link between the radio base station and the mobile station **(Kondo: Fig 1: Mobile station 5, column 3 line [4]),** wherein the communication control station **(Kondo: Fig 1: control station 1, column 3 lines [2-3])** processes the uplink transmission data, received from the radio base station, in the TDMA frame format, and transmits, to the radio base station, the downlink transmission data in the TDMA frame format, and wherein the radio base station processes the downlink transmission data, which is received from the communication control station, in the TDMA frame format **(Kondo: Column 2 lines [35-40]).**

13. **Regarding claim 14, Kondo** discloses the mobile communication system according to claim 13 as above, along with the communication control station includes: a signal generating unit operable to generate (i) a communication control station transmission clock for providing a transmission timing of the downlink transmission data and (ii) a communication control station reception clock for providing a reception timing of the uplink transmission data **(Kondo: Fig 7 Column 6 lines [33-64])**;

a data generating unit operable to (i) generate, in accordance with the communication control station transmission clock, the downlink transmission data and (ii) transmit the downlink transmission data **(Kondo: Fig 8:3 column 7 lines [20-23])**;

and a reception unit **(Kondo: Fig 9 and Column 7 lines [24-54])** operable to

receive, in accordance with the communication control station reception clock, the uplink transmission data, and wherein the radio base station includes:
a reproduction unit operable to reproduce, from the downlink transmission data received from the communication control station, a radio base station reception clock and a radio base station transmission clock, the radio base station reception clock and the radio base station transmission clock being synchronized with the communication control station transmission clock unit **(Kondo: Fig 9 and Column 7 lines [24-54])**; and
a radio unit operable to (i) process the downlink transmission data by using the radio base station reception clock reproduced in the reproduction unit and (ii) process the uplink transmission data by using the radio base station transmission clock reproduced in the reproduction unit. **(Kondo: Fig 9 and Column 7 lines [24-65]).**

14. **Regarding claim 16, Kondo** discloses the mobile communication system according to claim 14, wherein a plurality of radio base stations are respectively connected to the communication control station via a plurality of respective inter-station transmission paths **(Kondo: 1: 4-a & 4-b, column 2 lines [66-68])**, wherein, in the communication control station, the reception unit is operable to receive, in a predetermined slot, a plurality of pieces of uplink transmission data, which are respectively outputted from each radio base station of the plurality of radio base stations and which correspond to a same packet received from the mobile station, and wherein the communication control station further includes: a

detection unit operable to detect a reception timing of uplink transmission data **(Kondo: Fig 9: Comparator 87 Column 8 lines [20-23])**, the uplink transmission data corresponding to a packet having been first received; and a selection unit **(Kondo: Fig 9, Column 7 lines [55-70] column 8 lines [1-7])** operable to perform a selection process only on uplink transmission data that has been received before a predetermined period of time has passed after the reception timing.

15. Regarding claim 17, Kondo discloses the mobile communication system according to claim 14, wherein the data generating unit of the communication control station generates the downlink transmission data, into which dummy data for reproducing the radio base station reception clock is inserted, and transmits the down link transmission data in a period which is within the TDMA frame and in which a channel data packet to be transmitted is not present **(Kondo : Column 6 lines [29-32] describes sync configuration is done before the start of operation).**

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. **Claims 4, 5, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over obviousness over **Kondo (US PAT 5,293,380)** here in after referenced as **Kondo** in further view of **Borth et al (US PAT: US 4,852,090)** here in after referenced as **Borth**.

19. **Regarding claim 4, Kondo** discloses everything in claim 3 as above, However **Kondo** fails to disclose radio reception clock reproduction by using PLL control, However examiner maintains that it was well known in the art at the time of invention to use PLL control to reproduce clock as taught by **Borth (Borth: Column 11 lines [42-61] for the purpose of validating the time slot detect signal)**.

20. In similar field of endeavor **Borth** discloses TDMA communication system with adaptive equalization. In addition **Borth** discloses the radio base station reception clock is reproduced in the radio base station using PLL control**.**

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify **Kondo** by specifically providing PLL control to reproduce clock as taught by **Borth** for the purpose of validating time slot detect signal **(Borth: Column 11 lines 41-43).**

22. **Regarding claim 5, Kondo** discloses everything in claim 3 as above

along with in the communication control station, a communication control station reception clock, which results from multiplying or dividing the predetermined communication control station transmission clock by n (n is a natural number), is used to receive the uplink transmission data, wherein, in the radio base station, a radio base station operation clock is generated by multiplying the radio base station reception clock by m (m is an integer greater than 1), wherein, in the radio base station, the uplink transmission data is transmitted using a radio base station transmission clock that results from multiplying or dividing the radio base station operation clock by k (k is a natural number) and has a frequency synchronized with the communication control station reception clock **(Kondo: Fig 7: counter 72 and clock signal generator 71, column 6 lines[33-38]),** wherein, a phase difference **(Borth: Column 11 lines [42-61])**, which occurs according to a length of the inter-station transmission path, between the radio base station transmission clock and the communication control station reception clock is adjusted by a clock unit of the radio base station operation clock.

23. However **Kondo** fails to disclose synchronization with phase difference, between the radio base station transmission clock and the communication control station, However the examiner maintains that it was well known in the art to provide synchronization with phase difference between the radio base station transmission clock and the communication control station, as taught by **Borth (Borth: Column 11 lines [42-61]).**

24. In similar field of endeavor **Borth** discloses TDMA communication system with adaptive equalization. In addition **Borth** discloses synchronization with

phase difference, between the radio base station transmission clock and the communication control station.

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify **Kondo** by specifically providing synchronization with phase difference, between the radio base station transmission clock and the communication control station as taught by Borth for the purpose of validating time slot detect signal **(Borth: Column 11 lines 41-43).**

26. **Regarding claim 15**, **Kondo** discloses the mobile communication system according to claim 14 as above, However **Kondo** fails to disclose a radio base station further includes an adjusting unit operable to control an amount of overall transmission delays of an entire system by adjusting a phase difference which occurs according to a length of the inter-station transmission path, between the radio base station transmission clock and the communication control station reception clock **Borth (Borth: Timing controller 470 column 11 lines [42-61])**.

27. However, the examiner maintains that It was well known in the art to provide a radio base station further includes an adjusting unit operable to control an amount of overall transmission delays of an entire system by adjusting a phase difference which occurs according to a length of the inter-station transmission path, between the radio base station transmission clock and the communication control station reception clock as taught by **Borth**.

28. In similar field of endeavor **Borth** discloses TDMA communication system with adaptive equalization. In addition **Borth** discloses radio base station further

includes an adjusting unit operable to control an amount of overall transmission delays of an entire system by adjusting a phase difference **(Borth: Timing controller 470 column 11 lines [42-61]),** which occurs according to a length of the inter-station transmission path, between the radio base station transmission clock and the communication control station reception clock.

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify **Kondo** by specifically providing a radio base station further includes an adjusting unit operable to control an amount of overall transmission delays of an entire system by adjusting a phase difference which occurs according to a length of the at least one inter-station transmission path, between the radio base station transmission clock and the communication control station reception clock as taught by **Borth** for the purpose of validating time slot detect signal **(Borth: Column 11 lines 41-43)**.

Response to Arguments

1. Applicant's arguments filed 09/29/2008 have been fully considered but they are not persuasive.

a. Applicant argues regarding uplink transmission data being transmitted in a TDMA frame format, also processing the uplink transmission data received from the radio base station in the TDMA frame format is not disclosed by Cited Prior art. Applicant argues that Cited prior art does not remain in a TDMA format. However, the examiner disagrees as Kondo discloses in abstract that his invention is related to TDMA digital mobile communication system, he further discloses his communication

transmissions are sent and received in TDMA frame format (Kondo: Abstract & Column 1 lines [65-70], column 2 lines [1-5]) between base stations and control station and mobile stations.

b. Applicant also argues that Kondo (Kondo: Fig 1 & 6, column 5 lines [60-65] discloses control circuit transforms the TDMA signals into a different transmission format. However, the examiner disagrees with the applicant's interpretation as the cited lines above clearly indicates that the trunk circuits is capable of transforming signal codes into a transmission format which is agreed upon by the control station and radio base station beforehand. Kondo is using TDMA format frame synchronization through out his invention as it is cited above. The examiner interprets this as agreed upon transmission format which trunk circuits uses.

c. Applicant also argues that Kondo fails to disclose suggestion to modify the art to obtain the invention of independent claim 1. the examiner disagrees as rejection for claim 1 is 102(b) statutory rejection, it does not require suggestion to modify the art.

d. Applicant also argues that Kondo in view of Borth does not disclose missing features from claim 4, 5 & 15 as does not render obvious as argued claims 1 and 13 above, In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found

either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, for claim 4: to use PLL control to reproduce clock (Borth: Column 11 lines [42-61] for the purpose of validating the time slot detect signal), for claim 5: synchronization with phase difference between the radio base station transmission clock and the communication control station (Borth: Column 11 lines [42-61]), for claim 15: a radio base station further includes an adjusting unit operable to control an amount of overall transmission delays of an entire system by adjusting a phase difference which occurs according to a length of the at least one inter-station transmission path, between the radio base station transmission clock and the communication control station reception clock (Borth: Timing controller 470 column 11 lines [42-61]) for the motivation of validating time slot detect signal (Borth: Column 11 lines 41-43).

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on Monday - Friday 9:00 AM - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-0

9199 (IN USA OR CANADA) or 571-272-1000.

Munjal Patel
Examiner
Art Unit 2617

/MP/

/Rafael Pérez-Gutiérrez/
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